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OFFICE OF THE DIRECTOR
TC 3600

In re application of
Evgeny Ivanovich Ternovsky et al.
Application No. 09/744,003
Filed: January 17, 2001
For: METHOD FOR ADJUSTING THE
RESISTANCE OF A HYDRAULIC
DAMPER, DEVICE FOR REALISING
THE SAME AND VARIANTS

DECISION ON PETITION
TO WITHDRAW THE
HOLDING OF ABANDONMENT

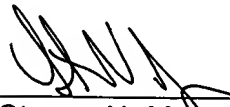
This is in reply to applicant's communication of February 27, 2003 that will be treated as a Petition To Withdraw Holding of Abandonment under 37 CFR 1.181(a).

The petition is **DISMISSED as moot**.

A review of the application file reveals that the application had become abandoned because of applicant's failure to reply to the Office action of April 4, 2002. The applicant provides, along with the petition, a copy of an amendment that applicant argues was timely filed on October 4, 2002. Although no Notice of Abandonment has yet been mailed, the current status of the application is in fact abandoned.

A further review reveals that the original amendment of October 7, 2002 has since been matched with the file. That original amendment is timely. Since a timely response to the Office action of April 4, 2002 has been filed, the abandonment will be withdrawn. Since the original of the amendment in question is now in the file, there is no need to treat the petition on the merits and it is therefore dismissed as moot.

This application will be forwarded to the Supervisory Legal Instruments Examiner to withdraw the abandonment, return the application to pending status and enter the original amendment filed October 7, 2002 before forwarding to the examiner for treatment on the merits.


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SNM/tpl: 4/10/03